

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

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| INSTANT ONE MEDIA, INC., Plaintiff, v. EZFAUXDECOR, LLC, et al., Defendants. | Civil Action Number 1:19-cv-00540-WMR MOTION FOR LEAVE TO AMEND JOINT PROPOSED PRETRIAL ORDER |
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**DEFENDANTS' MOTION TO AMEND THE JOINT PROPOSED
PRETRIAL ORDER**

Defendants respectfully requests leave to amend Attachment "F-2" (Defendants' List of Witnesses), that was attached to the Joint Proposed Pretrial Order, so as to designate witness Craig Armstrong in place of witness Alex Mikael.

1. The parties filed a joint, proposed pretrial order in this matter on April 17, 2020. (Doc # 87).

2. The Court did not enter the proposed order.

3. On Attachment "F-2" of the proposed pretrial order, Defendants listed three witnesses: 1) Defendant Amber Shank, 2) Plaintiff Alison Smith, and 3) witness Alex Mikael. (Doc # 87 at page 30 of 46).

4. At that time, Alex Mikael was the third-party IT consultant who managed Defendants' website and online accounts.

5. After the joint proposed pretrial order was filed in April 2020, Defendants parted ways with Alex Mikael and employed Craig Armstrong in his

place.

6. Craig Armstrong is the IT witness who testified on Defendants' behalf at the hearing on Plaintiff's second motion for spoliation sanctions which this Court denied on October 5, 2020. (Doc # 115).

7. Defendants will produce Armstrong for deposition by Zoom if Plaintiff requests.

8. Plaintiff is not prejudiced by this substitution of Craig Armstrong for Alex Mikael in that Plaintiff did not depose Mikael although he was identified in Defendants' discovery responses as a person with pertinent knowledge.

WHEREFORE, Defendant respectfully requests that Attachment "F-2" of the proposed pretrial order be deemed modified to list Craig Armstrong as a trial witness for Defendants.

Respectfully submitted:

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| INSTANT ONE MEDIA, INC., Plaintiff, v. EZFAUXDECOR, LLC, et al., Defendants. | Civil Action Number 1:19-cv-00540-WMR CERTIFICATE OF COMPLIANCE WITH LR 7.1D |
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CERTIFICATE OF COMPLIANCE WITH LR 7.1D

The undersigned counsel certifies that **Defendant's Motion to Amend the Joint Proposed Pretrial Order** has been prepared using Times New Roman 14 point type as approved by LR 5.1(B).

Respectfully submitted, December 17, 2020.

Woodhouse, LLC

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| INSTANT ONE MEDIA, INC., Plaintiff, v. EZFAUXDECOR, LLC, et al., Defendants. | Civil Action Number 1:19-cv-00540-WMR CERTIFICATE OF FILING AND SERVICE |
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CERTIFICATE OF FILING AND SERVICE

The undersigned counsel certifies that **Defendant's Motion to Amend the Joint Proposed Pretrial Order** was filed using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

Respectfully submitted, December 17, 2020.

Woodhouse, LLC

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By: /s/ Paul K. Hentzen

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